



2005 SENATE BILL 410

November 1, 2005 - Introduced by Senators GROTHMAN, HANSEN, A. LASEE, ROESSLER and TAYLOR, cosponsored by Representatives STRACHOTA, AINSWORTH, BIES, CULLEN, DAVIS, GRONEMUS, GUNDERSON, GUNDRUM, HAHN, HINES, LEHMAN, LOTHIAN, MONTGOMERY, OTT, POCAN, POPE-ROBERTS, SHERIDAN, SEIDEL, SINICKI, SUDER, TOLES and ZIEGELBAUER. Referred to Committee on Education.

1 **AN ACT** *to amend* 118.164 (title), 118.164 (2), 118.164 (3) (a) (intro.), 118.164 (3)
2 (a) 4., 118.164 (3) (b), 120.13 (1) (a) (intro.), 120.13 (1) (a) 1., 120.13 (1) (a) 2.,
3 120.13 (1) (a) 3. and 120.13 (1) (a) 4.; and **to create** 118.164 (4) of the statutes;
4 **relating to:** removal of a pupil from class, from any portion of school property,
5 or from a school-sponsored activity.

Analysis by the Legislative Reference Bureau

Current law generally allows a teacher to remove a pupil from his or her class if the pupil violates the code of classroom conduct adopted by the school board; is dangerous, unruly, or disruptive; or exhibits behavior that interferes with the teacher's ability to teach effectively, as specified by the code of classroom conduct.

This bill extends this ability to remove a pupil from a class to a teacher's assistant and also allows a school employee to remove a pupil from school property or from a school-sponsored activity supervised by that employee. Under the bill, the code of classroom conduct must specify the kinds of behavior that interfere with the ability of a teacher's assistant or school employee to perform his or her job effectively and that would warrant removal, from school or from a school-sponsored activity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 118.164 (title) of the statutes is amended to read:

2 **118.164** (title) **Removal of pupils from the class.**

3 **SECTION 2.** 118.164 (2) of the statutes is amended to read:

4 118.164 **(2)** Subject to 20 USC 1415 (k) ~~and beginning August 1, 1999,~~ a teacher
5 may remove a pupil from the teacher's class if the pupil violates the code of classroom
6 conduct adopted under s. 120.13 (1) (a) ~~or is dangerous, unruly or disruptive or~~
7 ~~exhibits behavior that interferes with the ability of the teacher to teach effectively,~~
8 ~~as specified in the code of classroom conduct.~~ Subject to 20 USC 1415 (k), an
9 individual employed by the school district as a teacher's assistant may remove a
10 pupil from class if the pupil violates the code of conduct adopted under s. 120.13 (1)
11 (a). The teacher or teacher's assistant shall send the pupil to the school principal or
12 his or her designee and notify the school principal or his or her designee immediately
13 of the reasons for the removal. In addition, the teacher or teacher's assistant shall
14 provide to the principal or his or her designee within 24 hours after the pupil's
15 removal from the class a written explanation of the reasons for the removal.

16 **SECTION 3.** 118.164 (3) (a) (intro.) of the statutes is amended to read:

17 118.164 **(3)** (a) (intro.) The school principal or his or her designee shall place
18 the a pupil who has been removed from class under sub. (2) in one of the following:

19 **SECTION 4.** 118.164 (3) (a) 4. of the statutes is amended to read:

20 118.164 **(3)** (a) 4. The class from which the pupil was removed if, after weighing
21 the interests of the removed pupil, the other pupils in the class and, the teacher, and
22 the teacher's assistant if the teacher's assistant removed the pupil, the school
23 principal or his or her designee determines that readmission to the class is the best
24 or only alternative.

25 **SECTION 5.** 118.164 (3) (b) of the statutes is amended to read:

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1 118.164 (3) (b) This subsection does not prohibit the teacher or teacher's
2 assistant who removed the pupil from the class or the school board, school district
3 administrator, school principal, or their designees from disciplining the pupil.

4 **SECTION 6.** 118.164 (4) of the statutes is created to read:

5 118.164 (4) (a) Subject to 20 USC 1415 (k), a school employee may remove a
6 pupil from any portion of school property or from a school-sponsored activity that is
7 supervised by the school employee, other than from a class under sub. (2), if the pupil
8 violates the code of conduct adopted under s. 120.13 (1) (a). The school employee may
9 send the pupil to the school principal or his or her designee. As soon as feasible, the
10 school employee shall notify the school principal or his or her designee of the removal
11 and provide the principal or designee with an explanation of the reasons for the
12 removal.

13 (b) This subsection does not prohibit the school employee who removed the
14 pupil from school property or a school-sponsored activity or the school board, school
15 district administrator, school principal, or their designees from disciplining the
16 pupil.

17 **SECTION 7.** 120.13 (1) (a) (intro.) of the statutes is amended to read:

18 120.13 (1) (a) (intro.) Make rules for the organization, gradation and
19 government of the schools of the school district, including rules pertaining to conduct
20 and dress of pupils in order to maintain good decorum and a favorable academic
21 atmosphere, which shall take effect when approved by a majority of the school board
22 and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board
23 shall adopt a code to govern pupils' ~~classroom~~ conduct ~~beginning in the 1999-2000~~
24 ~~school year~~. The code shall be developed in consultation with a committee of school
25 district residents that consists of parents, pupils, members of the school board, school

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1 administrators, teachers, pupil services professionals and other residents of the
2 school district who are appointed to the committee by the school board. The code of
3 classroom conduct may provide different standards of conduct for different schools
4 and may provide additional placement options under s. 118.164 (3). The code shall
5 include all of the following:

6 **SECTION 8.** 120.13 (1) (a) 1. of the statutes is amended to read:

7 120.13 (1) (a) 1. A specification of what constitutes dangerous, disruptive, or
8 unruly behavior ~~or~~; behavior that interferes with the ability of the teacher to teach
9 effectively or a teacher's assistant to perform his or her job effectively under s.
10 118.164 (2); and behavior that interferes with the ability of a school employee to
11 perform his or her job effectively under s. 118.164 (4).

12 **SECTION 9.** 120.13 (1) (a) 2. of the statutes is amended to read:

13 120.13 (1) (a) 2. Any grounds in addition to those under subd. 1. for the removal
14 of a pupil from the class under s. 118.164 (2) or from school property or a
15 school-sponsored activity under s. 118.164 (4).

16 **SECTION 10.** 120.13 (1) (a) 3. of the statutes is amended to read:

17 120.13 (1) (a) 3. The procedures for determining the appropriate educational
18 placement of a pupil who has been removed from the class and assigned a placement
19 by the school principal or his or her designee under s. 118.164 (3).

20 **SECTION 11.** 120.13 (1) (a) 4. of the statutes is amended to read:

21 120.13 (1) (a) 4. A procedure for notifying the parent or guardian of a minor
22 pupil who has been removed from the class under s. 118.164 (2) or removed from
23 school property or a school-sponsored activity under s. 118.164 (4).

24 (END)